THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

DATED: 08-11-2005

–

WRIT PETITION No.23867 of 2005

–

Between:

K.V.Durga Prasad and others . . Petitioners

And

The Govt. of A.P. and others ..Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

–

–

WRIT PETITION No.23867 of 2005

O R D E R:

The petitioners are employed as Conductors in Sri Durga Malleswara Swamy Varla Devasthanam, Vijayawada. There is no promotion from the post of Conductors appointed in religious institutions. On the basis of representations

made by the petitioners and other similarly situated persons, the Commissioner of Endowments, the second respondent, addressed a letter, dated 21-10-2003, requesting the Government to amend the relevant service rules providing for channel of promotion to the post of Junior Assistant from the cadre of Record Assistant and Conductors at the ratio of 1:1. On receipt of the same, the first respondent sought certain clarifications through its memo, dated 10-11-2003. The grievance of the petitioners is that though two years have elapsed, no final decision has been taken in the matter and in the meanwhile, they are subjected to severe hardship. They seek appropriate directions to the first respondent to finalise the matter.

Heard the learned counsel for the petitioners, learned Government Pleader for respondents 1 and 2 and learned Standing Counsel for the third respondent.

As of now, the relevant service rules do not provide for promotion from the post of Conductors. Obviously, because such posts do not exist in most of the religious institutions, the provision does not appear to have been made in the relevant service Regulations. The petitioners have been working as Conductors for the past several years. The absence of a provision for promotion from the posts of Conductors, was noticed on the basis of representations made by the petitioners and in fact, the proposals have gone up to a substantial stage in the matter of amendment of the rules. It is always in the discretion of the Government to cause amendment to any rules. However, once an action has been initiated, duly taking into account the hardship being faced by the petitioners, it cannot be kept pending indefinitely.

For the foregoing reasons, the writ petition is disposed of directing the first respondent to give finality to the proposals undertaken on the basis of the letter, dated 21-10-2003, addressed by the second respondent for amending the Regulations in the context of providing promotional avenues to the posts of Conductors, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

(L.NARASIMHA REDDY, J)

8th NOVEMBER, 2005.

Note: furnish copy in three days.

B/o

kvni